

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HIMELDA MENDEZ, on behalf of herself and all :
others similarly situated, :

Plaintiffs, :

v. :

APPLE INC., :

Defendant. :

Case No. 1:18-cv-07550

**DEFENDANT’S NOTICE OF MOTION TO DISMISS
PLAINTIFF’S COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant’s Motion to Dismiss Plaintiff’s Complaint and the Declaration of Gary D. Friedman, Defendant Apple Inc. will move this Court before the Honorable Loretta A. Preska, at the United States Courthouse, located at 500 Pearl St., Courtroom 12A, New York, New York, on a date to be determined by the Court, for an order dismissing the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), and for such other relief as this Court may deem just and proper.

Dated: New York, New York
November 12, 2018

Respectfully submitted,

/s/ Gary D. Friedman

Gary D. Friedman

A. Millie Warner

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